

**MINUTES/DECISIONS OF THE PLANNING BOARD
MEETING DATE: JUNE 12, 2019**

In attendance = X, Alternates Seated = S, Partial Attendance = P, Excused Absence = E

Timothy Malley Chairman <u> X </u>	Jordan Ulery Vice-Chair <u> X </u>	William Collins Secretary <u> X </u>	Charles Brackett Member <u> E </u>
Ed Van der Veen Member <u> X </u>	Dillon Dumont Member <u> X </u>	Elliott Veloso Alternate <u> S </u>	Open Alternate _____
Roger Coutu Select. Rep. <u> E </u>	Marilyn McGrath Alt. Select. Rep. <u> X </u>	Brian Groth Town Planner: <u> X </u>	

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Note: The meeting was held at the Hudson Community Center, 12 Lions Ave., instead of Buxton Meeting Room at Town Hall. The Planning Board Chair made this decision in response to residents stating that they would be attending the hearing in large groups (50+). Thus, to accommodate the expected attendance, the meeting was moved to a higher capacity venue. Less than ten members of the public attended the meeting. Also in attendance was BOS Chairman Dave Morin, Fire Chief Robert Buxton, Lt. Mike Gosselin, Det. Adam Lischinsky and Town Engineer Elvis Dhima, PE.

- I. CALL TO ORDER BY CHAIRPERSON AT 7:08 P.M.**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. SEATING OF ALTERNATES**

Mr. Veloso seated for Mr. Brackett

Ms. McGrath seated for Mr. Coutu

V. MINUTES OF PREVIOUS MEETING(S)

J. Ulery moved to accept the 08 May 2019 Planning Board Meeting Minutes – Decisions as written.

Motion by: J. Ulery

Second: E. Veloso

Carried/Failed: 7 / 0 / 0

J. Ulery moved to accept the 22 May 2019 Planning Board Meeting Minutes – Decisions as written.

Motion by: J. Ulery

Second: E. Veloso

Carried/Failed: 7 / 0 / 0

VI. New Business

A. 161 Lowell Road 2-Lot Subdivision
SB# 03-19

161 Lowell Road
Map 209, Lot 001

Purpose of the Plan: to depict the subdivision of Map 209 Lot 001.

B. Friars Court Site Plan
SP# 03-19

161 Lowell Road
Map 209, Lot 001

Purpose of the Plan: to develop newly created Map 209, Lot 001-001 into multifamily apartments consisting of 81 units and a clubhouse. Application Acceptance & Hearing.

J. Ulery moved to accept the subdivision and site plan application for 161 Lowell Road, Map 209 Lot 001.

Motion by: J. Ulery

Second: D. Dumont

Carried/Failed: 7 / 0 / 0

Presenter: Attorney Thomas J. Leonard of Welts, White and Fontaine, P.C

Attorney Leonard began his presentation by bringing the Planning Board members up to date with the current status of the project. He stated that this was indeed workforce housing and that seventy-five percent of the unit built would meet the State's requirements for this designation and that the remaining twenty-five percent would be current market rate units. Attorney Leonard went on to briefly describe the tenant application process and emphasized those meeting workforce housing requirements are subject to a thorough application process.

Attorney Leonard stated that three waivers would be sought for this project. The first waiver would be for allowing 1.5 spaces per unit where two spaces are typically required. He pointed out that if needed additional parking spaces could be constructed and that the plan set showed where the additional parking would be located. The second waiver related to a regulation which requires all roadways, driveways and building be shown that abut the property. He stated that because just the front portion of the property was being utilized for the project it would be unreasonable to expect those kind of details to help in the decision making process. The last waiver Attorney Leonard mentioned was for the proposed Friars Drive Extension. He stated that a typical roadway such as the one proposed would be thirty-two feet wide and that the new Friars Drive is proposed to be twenty-four feet wide until the back parcel is developed, at which point the extension would be upgraded to a commercial standard. Attorney Leonard stated that initially the proposed roadway would be a private

drive and could be widened after the construction of the second building. Lastly Attorney Leonard mentioned that the Conservation Commission and Zoning Board had granted the Wetlands Special Exception which would allow for rehabilitation of the existing roadway.

Attorney Leonard went on to mention that his client has been working closely with representatives from the Fire Department and Police Departments to address their concerns with the site access and maneuverability of fire equipment through the parking areas. Other items that he touched briefly on were snow storage, school aged children living in the new apartments and that the project area had been moved back ten feet to satisfy easement requirements along Lowell Road.

Before continuing his presentation Attorney Leonard introduced Architect Jesse Thompson, the architect for the project.

Mr. Thompson described the concept behind the building design stating that the goals of construction would be to build a highly energy efficient building that resulted in a low carbon footprint and lower utility costs for the occupants. He added that the building's façades, placements and orientations were given careful consideration and final decisions on such matters were made to help minimize the visual impact of the project. Mr. Thompson finished this portion of the presentation by describing the exterior and interior makeup of the building again relating these details to a traditional New England feel.

Selectman McGrath stated that the building was sterile looking and in her view did not fit in with the character of the town. Mr. Thompson had no rebuttal to this comment and concluded his presentation.

Attorney Leonard returned to the podium and stated that further discussion on the overall appearance of the build could be considered. He described the specific architectural elements of the building design that are consistent with traditional New England including: dormers, gable roof forms, low-pitched roof, asphalt shingles, white clapboard siding, and pronounced roof vents. Attorney Leonard added that economics plays a key role in overall design and that the project was being located in the business district as part of the zoning regulations.

Next Attorney Leonard addressed traffic impacts that a project like this could have. He stated that all possibilities had been assessed by the applicant's traffic engineer and that there studies concluded that the traffic entering and exiting the site would cause little added disturbance to an already busy roadway. Attorney Leonard went on to talk about the site entrance configuration and what the best configuration for this entrance might be. He stated that the applicant would agree to a right in/right out configuration if requested by the board but the applicant preferred a left hand turn into the development.

Before continuing his presentation Attorney Leonard introduced the applicant's Traffic Engineer to review the traffic study conducted for the site.

Mr. Jason Plourde of Vanasse, Hangen, Brustlin, VHB, first provided board members with guidelines he followed to produce the traffic impact data for the site. He stated further that his conclusions were based on resources set forth by ASHTOO and NHDOT. Mr. Plourde continued his presentation describing the daily traffic patterns of a right in and right out

scenario stating that although the numbers seemed low it was reasonable to believe that not all residents would be departing the site at the exact same time. Mr. Plourde went on to describe the left hand turns that would occur at Executive Drive. Again he emphasized that there would not be a significant increase in turning traffic. Overall there would be less than fifty trips per day at the intersection of Lowell Road and Executive Drive. Mr. Plourde stated that the driveway entrance meets all ASHTOO requirements and that this finding has been confirmed by the town's engineering consultant Fuss & O'Neill. Lastly, Mr. Plourde did add that allowing a left hand turn into the site for north bound Lowell Road traffic would produce one trip per hour and again have no impact on traffic flow along the roadway. With his presentation completed Mr. Plourde asked if there any questions by board members.

Selectman McGrath asked if the number site encompassed the entire project or were they based on just the initial build of the first building. Mr. Plourde stated that they were based on the completed project of eight-one units.

Mr. Ulery asked if hard copy of the information cited was available. Mr. Plourde answered that all the information was presented as handouts for tonight's meeting. He further stated that a revised copy of the study which included a left turn in and comments from Fuss and O'Neill were a part of the handouts.

Mr. Ulery asked Mr. Plourde if he had actually gone to the site and monitored the traffic first hand and also if the ITE standards took into account that Lowell Road was on the verge of failure due to traffic volume. Mr. Plourde stated that ITE were merely guidelines and do not address local traffic congestion.

Mr. Ulery then went on to asked why the south bound slip lane would not be beneficial with traffic flow off of Lowell Road and onto the site. Mr. Plourde replied that a dedicated right turn lane would be more appropriate but with such a low volume of right in trips the site did not warrant it. He further explained that a tapered lane or deceleration lane would be more hazardous as it would allow vehicle to enter the site at a much higher speed.

Mr. Ulery mentioned that Friars Drive would not be a drive way but and could be used to access the industrial park. Mr. Plourde said that he was working closely with the Town Engineer to find a reasonable resolution to this and that a final design. Mr. Ulery stated that he was confused and under the impression that this an already excepted site plan. Mr. Plourde stated that at this point no final decision was made with the configuration of the entrance off Lowell Road and that until the issue was determined fine tweaks could and should be made. Lastly Mr. Ulery asked if the left turn in had been discussed with a representative of the Fire Department. Mr. Plourde stated that he had not but Town Engineer Elvis Dhima replied that the question was asked and answered by fire department representatives.

HFD Chief Buxton then stepped up to the podium and elaborated further on the question. Chief Buxton stated that Hampshire Drive is directly across from the new fire station. He added that response time would be enhanced by taking a direct route through the industrial park via Hampshire Drive and that it would also mitigate traffic backups as a result of any emergencies at the site.

Mr. Dumont pointed out that the right turn in did not seem to be abrupt enough to slow traffic entering the development and thought that an additional south bound lane might be needed to help with turning traffic. Mr. Plourde stated that the proposed intersection had been thoroughly vetted through the engineering process and would be suitable to handle exiting traffic.

Mr. Ulery asked about signage and whether or not the triangular island would be raised. Mr. Plourde stated that proper marking and signage would be deployed at the intersection in such a fashion to discourage left in turns but still allow for emergency vehicles to enter the site unabated

Mr. Veloso asked if the traffic study could be reevaluated to take into account the remaining seventy-seven acre lot. He noted that the current traffic study only addressed the proposed Friars Drive development and that future build out of the rear lot may have major implications on the Friars Drive extension. Mr. Plourde answered that although it was a valid question he could not speculate as to what the remaining portion of the property would be used and added that the town should be prepared to address that future issue.

Town Engineer Dhima came to the podium to explain the options for the entrance to the new development which are full access, right in/right out and right & left in/right. His professional opinion favored the right in, right out approach to minimize traffic at the site entrance.

Mr. Ulery asked Mr. Plourde if an additional south turning lane would be justified per ITE standards with additional traffic entering Friars Drive to access the back end of Executive Drive. Mr. Plourde stated that he really couldn't answer the question because not enough data concerning the larger traffic volumes was available.

Mr. Ulery went on to ask that if NHDOT approved an extra turning lane would the developer be willing to assist in its construction. Attorney Leonard replied that the developer was already going above and beyond with what they promised in regards to Friars Drive. He felt that it would be wrong to ask for additional monies and time in regards to the final design of the roadway. Mr. Pilotte of Dakota Partners added that the company will be paying traffic impact fees and these fees could be used to incorporate upgrades to Friars and Lowell Road as needed. With that said Attorney Leonard concluded his presentation.

Prior to the chairman opening the public hearing. Selectman McGrath asked that a state be made concerning the true purpose of the new apartment complex. Attorney Leonard obliged and stated that this project fell under the guide lines for work force housing not government housing. He added the goal was to provide affordable housing to families and individuals meeting medium income parameters. He also stated that this was not a Section-8 project.

Selectman McGrath asked if Attorney Leonard could elaborate on the tax credit mention by some in town. Attorney Leonard said that the tax credit is provided by the state not the town. He added that it is an incentive provided by the state to developers to encourage their participation in programs such as this.

With board members questions answered the Chairman opened the Public Hearing at 8:38 p.m.

Richard Maddox, 323 Fox Run Rd. inquired as to whether or not the typical easement of ten feet had been stipulated as part of the site review and asked if board members had been to other sites developed and managed by Dakota Properties. He suggested that Friars Drive be gated to prevent large volumes of traffic using it to access the back portion of Executive Drive.

Margaret St. Onge, 238 Fox Hollow Drive said that she is not against the project but had some concerns on south bound travel. She claimed that it is a high probability that the proposed configuration of right in and right out would not work. Ms. St. Onge liked the gate concept to limit thru traffic to Executive Drive. Her last comment concerned the 1.5 parking space waiver being sought, she stated that there would certainly be a need for additional parking during snow removal.

Norman Boyer, 156 and 162 Lowell Road. Mr. Boyer quickly passed out conceptual plans for his property across the street. This plan had been noticed for the next meeting, not this one, so Mr. Groth advised the Board it was inappropriate to discuss or view them at this meeting, and warned Mr. Boyer that this action jeopardized his application by forgoing state-mandated noticing requirements. He then asked that the new Friars Drive entrance be moved ten feet to the north to fit his future proposed site plan needs. He stated that he plans on making site improvements on his own property and that the proposed configuration for Friars Drive will not work for him. Mr. Boyer added that the parking space waiver request would probably not work and should be considered further before the waiver is granted. Mr. Groth explained that the engineers had already checked to see if the Friars Drive alignment worked with his future plans as a courtesy and confirmed they did.

Todd Boyer, 2 Merrill Street asked that the Planning Board consider future development along Lowell Road and consider traffic flow along the corridor. He said that Lowell Road is the same as Amherst Street in Nashua in terms of traffic flow and backup due to large traffic volumes in the morning and evening. He went on to speculate about future conditions along the Lowell Road.

With no other public comments the chairman closed the Public Hearing at 9:00 p.m.

Selectman McGrath mentioned that there were less than ten people from the general public in attendance. Selectman McGrath then thanked all those who took time out of there busy day to attend and provide input at tonight's meeting.

The Chairman asked if the applicant or the applicant's representative would like to respond to any of the public input provided. Attorney Leonard returned to the podium and clarified that the Traffic Study was based on real numbers gathered by Jason Plourde and Town Engineer Elvis Dhima. He emphasized that there were eighty-one apartment units with a projected 400 trips entering and exiting the site per day. Lastly he restated that there would be multiple one bedroom apartments and that these units usually only required one space. Attorney Leonard made no other comments and stepped away from the podium.

Discussion turned to the waiver requests. Selectman McGrath asked if the applicant had considered future parking requirements and that if the need arose would they be able to add additional parking to accommodate the residents. Attorney Leonard said that space had been provided to expand parking and that if needed and required it would be added when the second building was built. Selectman McGrath then asked about the existing conditions waiver being sought. She asked what would happen if Dakota Partners decide to sell the property. Attorney Leonard answered that covenants on the property would allow the units to continue to be rented as work force housing for at least thirty years. Lastly Selectman McGrath commented that the entrance island to be extended further to help prevent left turns in or out of the site.

Mr. Van der Veen asked what the comment of “condo lands” on sheet six of the submitted drawing package meant. Attorney Leonard responded that the term was generally used for financing purposes and that there were no plans to convert any of the units to condominiums. Mr. Van der Veen went on to say that in his opinion the wait and see approach in regards to parking was not a wise choice and felt uncomfortable with supporting any wavier requesting a reduction in parking spaces.

Mr. Dumont asked if the impact fees had been calculated for the project. Town Planner Groth said that they were and believed that they were about \$400,000.00 dollars. [Note: Groth corrected this estimate in an email to the Planning Board on 6/19/19 that the figure is about \$200,000] Mr. Dumont went on to add that the CAP fees paid by the developer would assist the town in future upgrades to the Lowell Road corridor.

Mr. Collins commented about the proposed right in and right out configuration. He stated that in his opinion there was ample space and time for motorist to make safe left hand turns into the site and if the intersection was reconsidered that he would support a left in turn.

Town Engineer suggested that the board provide the applicant with clear direction as to the entrance configuration tonight so that applicant could finalize their plan set and move forward.

Mr. Dumont asked if the entrance configuration could be reviewed as a minor site plan. Town Planner Groth answered no, that it needs to be addressed in this application.

Mr. Van der Veen stated that he thought Friars Drive was being extended to allow for emergency access to the site. Town Engineer Dhima replied that he was correct but also the Friars Drive extension would complete the planned connection between Lowell Road and Executive Drive, as discussed in previous meetings and staff reports. Town Planner Groth agreed and emphasized that the extension improves access by eliminating the need for additional curb cuts along Lowell Road. This pattern forms a grid, as opposed to the condition of Amherst Street in Nashua where a main thoroughfare is overloaded with curb cuts and no alternate routes. The extension was a revision made in response to comments from the Fire, Police, Engineering and Planning departments. There were also questions about the time line of construction on Friars Drive and the width of the roadway all these were answered satisfactorily to the Town Planner and Town Engineer.

The Chairman entertained a motion to restrict the Lowell Road entrance onto Friars Drive to a Right Turn in and Right Turn out limitation.

Selectman McGrath moved to accept the motion presented and Mr. Ulery seconded it. Selectman McGrath then amended the motion to include longer roadway dividers and more restrictive turnouts. Mr. Ulery accepted the amendments.

Motion by: M. McGrath **Second:** J. Ulery **Carried/Failed:** 6 / 1 / 0

Mr. Collins voted against the motion stating that residence traveling north on Lowell Road would more than likely attempt left turns into the property and that configuring the right turn in and right turn out entrance more restrictively would result in a more precarious attempt at turning in which would place that motorist and oncoming traffic in a serious safety predicament.

Waivers: Three waivers presented. Only one decided upon.

Waiver 1: §275-8.C.2.o – Number of parking spaces.

Discussion took place as to the overall number of parking spaces required for the project. The applicant is seeking relief of the need for two parking spaces per apartment unit. No decision was reached and the matter was deferred until the June 26, 2019 Planning Board Meeting.

Selectman McGrath moved to defer further discussion on the parking space waiver until the next Planning Board meeting. Mr. Van der seconded the motion.

Motion by: M. McGrath **Second:** E. Van der Veen **Carried/Failed:** 5 / 2 / 0

Mr. Dumont and Mr. Veloso voted in opposition to the motion stating that a motion was not necessary as the matter would continue to be addressed at the next planning board meeting anyway.

Mr. Dumont asked if all the waivers were being deferred until the next meeting. Selectman McGrath replied that her motion to defer only addressed the parking space waiver.

Waiver 2: §276-11.1 – Existing Conditions

The applicant is seeking relief of the requirement set forth by §276-11.1, subsections 15 and 16 of the Land Use Regulations. Subsection 15 – location of all buildings within 50 feet of the tract, Subsection 16 – location of all travel ways and driveways within 200 feet of the tract.

The applicant referenced §276-11.1, Subsection 17 which states that existing topography is required for the portion of the tract being developed not the entire tract. The applicant further stated that strict adherence to subsections 15 and 16 would require the locations of driveways and buildings up to a half mile away from the development site and does not provide the board with any useful information.

After a short discussion Planning Board members agreed that a waiver for relief of §276-11.1, subsections 15 and 16 were justified based on the testimony of the Applicant's representative.

D. Dumont moved to grant the requested waiver of §276-11.1, subsections 15 and 16 – to allow the existing conditions survey to pertain only to the portion of the parcel being developed based on the testimony of the Applicant's representative and in accordance with the language included in the in the submitted waiver request form.

Motion by: D. Dumont **Second:** E. Veloso **Carried/Failed:** 7 / 0 / 0

Waiver 3: §289-28 – Roadway Requirements

he Applicant is seeking relief of §289-28 – Roadway Requirements, The requested wavier would allow the Friars Drive roadway extension construction to be phased, with the initial reconstruction consisting of improvements required by the town and Town Engineer. The applicant states that these improvements will accommodate the proposed traffic on it. They further stated that at the time of future development is proposed on the parent lot, the roadway is predesigned to be further improved to meet those particular needs and requirements.

Based on the recommendation of Staff, PB members held off on consideration of the waiver until final resolution of design and easement associated with the roadway have been vetted properly.

The Chairman asked the applicants representative if there was any other information that they may need going forward. Attorney Leonard inquired as to the parking space waiver and asked if more information was needed for the board to make a decision. Town Planner Groth suggested that Dakota Properties show the Planning Board examples of their other sites.

This matter will continue to forward at the next meeting

Selectman McGrath asked for more information about the application process for those seeking to rent apartments and also about recreational space. Attorney Leonard replied that all residents would be vetted through the same application process. He provided the Board with the application that would be required of a potential tenant.

Town Planner Groth mentioned to the applicant that minor errors in some of the drawing notes need to be corrected that the waivers should be clearly noted on the site plan drawing.

Selectman McGrath added that she does not like the design of the building and would not support it if it goes forward as presented. Attorney Leonard answered he respectfully disagreed.

Prior to concluding the meeting Chairman Malley read aloud a letter from Kevin Lynch of 733 Fox Hollow Drive. Mr. Lynch opposes the project as stated in his letter in matters of traffic and architectural design.

Selectman McGrath moved to continue the public hearing for 161 Lowell Road, Map 209, Lot 001, date certain, to June 26, 2019.

Motion by: M. McGrath

Second: J. Ulery

Carried/Failed: 7 / 0 / 0

VII. Adjournment

With no other business before the board, Mr. Ulery moved to adjourn the meeting at 9:58 p.m.

Motion by: J. Ulery

Second: E. Veloso

Carried/Failed: 7 / 0 / 0

Meeting adjourned at 9:58 p.m.

William Collins
Secretary